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45809 7590 09/19/2011 SHOOK, HARDY & BACON L.L.P. (MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613				
EXAMINER				
MAL, KEVIN S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/799,992

Applicant(s)

PURCELL ET AL.

Examiner

KEVIN MAI

Art Unit

2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-9, 11, 12, 15, 17, 18, 21-26 and 29 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-9, 11, 12, 15, 17, 18, 21-26 and 29 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

1. This Office Action has been issued in response to Applicant's Amendment filed July 11, 2011.
2. Claims 1-9, 11, 12, 15, 17, 18, 21-26 and 29 have been examined and are pending.

Response to Arguments

3. Applicant's arguments filed July 11, 2011 have been fully considered but they are not persuasive.
4. Applicant's arguments with respect to claim 1 have been considered but they are not persuasive. Applicant argues that modifying Rajan to allow for all of the messages to be displayed in a single folder or directory would render Rajan unsatisfactory for its intended purpose. Examiner disagrees. Firstly, examiner notes that there is no mention in the limitations of claim 1 about using only a single folder as such it is seen that this argument is directed toward unclaimed features. The argued limitation discusses only adding an actionable property, which alone does not cause Rajan to be modified unsatisfactory for its intended purpose. It would simply cause Rajan's folders to additionally have messages with actionable properties. Secondly, applicant's invention appears to also use multiple folders where messages will still be split. Paragraph [0010] of the published application discloses "By employing the present invention, organizing messages in the inbox from the least "junky" to the most "junky" allows the user to better distinguish between good mail and junk mail in the inbox. The same can be done in any other folder where messages are stored including the junk folder to locate good messages or junk messages". Paragraph [0013] of the published application discloses "According to yet another

aspect of the invention, the user can essentially override a junk rating that is based on a computed junk score. This may be particularly applicable to good messages sent to the junk folder and junk messages sent to the inbox". Thus it is seen that applicant's own invention deals with multiple folders and not having all the messages in a single folder as is being argued.

5. Applicant further argues that Rajan teaches away from the invention of claim 1 in that it clearly teaches that message are moved to spam folders or directories before the message are even viewable by the user in the inbox. Examiner disagrees. Firstly, examiner notes that there is no mention in the limitations of claim 1 about the messages having to go to the inbox only as such it is seen that this argument is directed toward unclaimed features. Secondly, applicant's invention appears to also use multiple folders where messages will still be split. Paragraph [0010] of the published application discloses "By employing the present invention, organizing messages in the inbox from the least "junk" to the most "junk" allows the user to better distinguish between good mail and junk mail in the inbox. The same can be done in any other folder where messages are stored including the junk folder to locate good messages or junk messages". Paragraph [0013] of the published application discloses "According to yet another aspect of the invention, the user can essentially override a junk rating that is based on a computed junk score. This may be particularly applicable to good messages sent to the junk folder and junk messages sent to the inbox". Thus it is seen that applicant's own invention deals with multiple folders and apparently ones that were automatically sorted into the junk folder since they have to be unjunked by the user manually.

6. Applicant further argues that Rajan does state that an email may be placed in more than one directory and as such, it is clear that not all e-mails are placed in multiple directories. Examiner

disagrees. There is no mention that not all e-mails are placed in multiple directories, there is nothing that limits Rajan's overlapping ranges from being entirely overlapping. As such, there is no reason to conclude that not all e-mails are placed in multiple directories.

7. Applicant further argues multiple directories may not include the inbox, which is where the e-mails in the invention of claim 1 are placed. Examiner disagrees. Firstly, examiner notes that there is no mention in the limitations of claim 1 about the messages having to go to the inbox only as such it is seen that this argument is directed toward unclaimed features. Secondly, while applicants argue that the multiple directories may not include the inbox, it would appear to be equally reasonable to conclude that the multiple directories may include the inbox.

8. Applicant further argues that the principle of operation of Rajan would be changed. Examiner disagrees. The argued limitation discusses only adding an actionable property, which alone does not cause Rajan to be modified unsatisfactory for its intended purpose. It would simply cause Rajan's folders to additionally have messages with actionable properties. Additionally, applicant's invention appears to also use multiple folders where messages will still be split. Paragraph [0010] of the published application discloses "By employing the present invention, organizing messages in the inbox from the least "junky" to the most "junky" allows the user to better distinguish between good mail and junk mail in the inbox. The same can be done in any other folder where messages are stored including the junk folder to locate good messages or junk messages". Paragraph [0013] of the published application discloses "According to yet another aspect of the invention, the user can essentially override a junk rating that is based on a computed junk score. This may be particularly applicable to good messages sent to the junk folder and junk messages sent to the inbox". Thus it is seen that applicant's own

invention deals with multiple folders and not having all the messages in a single folder as is being argued.

9. Applicants make similar arguments with respect to Murray however they are addressed similarly as above. Firstly, examiner notes that there is no mention in the limitations of claim 1 about using only a single folder as such it is seen that this argument is directed toward unclaimed features. The argued limitation discusses only adding an actionable property, which alone does not cause Murray to be modified unsatisfactory for its intended purpose. It would simply cause Murray's folders to additionally have messages with actionable properties. Secondly, applicant's invention appears to also use multiple folders where messages will still be split. Paragraph [0010] of the published application discloses "By employing the present invention, organizing messages in the inbox from the least "junk" to the most "junk" allows the user to better distinguish between good mail and junk mail in the inbox. The same can be done in any other folder where messages are stored including the junk folder to locate good messages or junk messages". Paragraph [0013] of the published application discloses "According to yet another aspect of the invention, the user can essentially override a junk rating that is based on a computed junk score. This may be particularly applicable to good messages sent to the junk folder and junk messages sent to the inbox". Thus it is seen that applicant's own invention deals with multiple folders and not having all the messages in a single folder as is being argued.
10. Applicant's arguments with respect to the remaining claims are similar to those presented above and are addressed similarly.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 1-9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2005/0165895 to Rajan et al. (hereinafter "Rajan") and further in view of US Pub. No. 2005/0080855 to Murray (hereinafter "Murray") and further in view of US Pub. No.

2010/0153381 to Harris (hereinafter "Harris") and further in view of US Pat. No. 7640305 to Arthur et al. (hereinafter "Arthur") and further in view of US Pub. No. 2004/0243844 to Adkins (hereinafter "Adkins").

15. **As to Claim 1, Rajan discloses a junk message interface system that facilitates identifying junk messages comprising:**

a processor for executing the following components (Paragraph [0031] of Rajan discloses the grading of the e-mail for spaminess may be processed by either the server or the client processors);

a message receiving component that collects at least one incoming message (Paragraph [0014] of Rajan discloses an Inbox in which all incoming mail is normally received);

a filtering component [that accepts the incoming message communicated from the message receiving component and determines whether a sender is known or trusted before scanning the message with a filter and] determining a junk score for the incoming message

(Paragraph [0015] of Rajan discloses each piece of incoming mail is graded), **the junk score is**

computed to reflect a spam confidence level of the message (Paragraph [0015] of Rajan

discloses grading is done to determine the level of spaminess of the e-mail), **wherein the junk**

score is a value or fractional value between 0 and 1 (Paragraph [0016] of Rajan discloses the scale being from 0 to 100. Where it is seen that it is arbitrary whether the scale is from 0 -1

or from 0-100 since both represent the same information), **and the spam confidence level**

corresponds to a probability that the message is spam or junk (Paragraph [0016] of Rajan

disclose mail that is graded with a high level of spaminess is representative of likely constituting

spam and that mail that is graded with a medium level of spaminess is representative of probably constituting spam. Thus it is seen that the measure of spaminess corresponds to the probability that a message is spam), wherein once the message has been scored, the message is bucketized based on the determined junk score and tagged with a junk rating [which is added as an actionable property on the message such that the junk rating is displayed on a user interface in association with each respective message as a separate column so that a display of the messages can be visually altered based on the junk ratings of the messages by way of one or more display rules, the one or more display rules allowing for certain messages, based on the junk ratings, to be hidden thus facilitating viewing of only desired messages.] (Paragraph [0017] of Rajan discloses after grading the e-mail messages they are then moved into the appropriately labeled directory (bucketizing based on score). It is seen that the score was used as an actionable property to sort the incoming messages to the appropriate folders. Furthermore paragraph [0032] discloses that emails that contain characteristics that would place it in two categories would include a visual indication to the user that the email is contained in more than one directory. Thus it is seen that the property of its rating is added to the email), and

wherein a user can override the junk score via a user-based action that affects the junk score of the message and future messages (Paragraphs [0018], [0032] and [0033] of Rajan disclose other algorithms maybe be employed to allow the recipient to vote on the grey mail (user-based action) and train the system to better determine spaminess according to the recipient's personal preferences (the affects the junk score of the message and future messages). Then if a user votes an email as spam (user-based action that overrides the junk score of the

message) all email resembling the email that was the subject of the vote is moved from the gray directory to the black)

[and wherein the user-based action comprises replying to the message];

[a verification component that requests confirmation regarding the user-based actions on rated messages]; and

a display component that renders the junk scores as an actionable property on a user interface to facilitate user management of incoming junk messages communicated from the filtering component (Paragraph [0017] of Rajan discloses after grading the e-mail messages they are then moved into the appropriately labeled directory. It is seen that the score was used as an actionable property to sort the incoming messages to the appropriate folders)

Rajan does not explicitly disclose **that accepts the incoming message communicated from the message receiving component and determines whether a sender is known or trusted before scanning the message with a filter.**

However, Murray discloses this (Figure 2 of Murray discloses checking if the sender of an email is on a whitelist or a blacklist before categorizing the email message. Thus it determines whether or not a sender is known or trusted before scanning the message with the filter to categorize the email)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine providing scores based on the spaminess of incoming email as disclosed by Rajan, with checking if a sender is on a whitelist before categorizing the email as disclosed by Murray. One of ordinary skill in the art would have been motivated to combine to use a known technique to improve similar systems in the same way. Both systems deal with preventing spam messages

and as such applying Murray's filtering techniques to Rajan would be obvious for improved efficiency. Rajan further supports filtering according to sender in paragraph [0034] where it gives an example of being able to identify emails from the user's spouse.

Rajan does not explicitly disclose **which is added as an actionable property on the message such that the junk rating is displayed on a user interface in association with each respective message as a separate column so that a display of the messages can be visually altered based on the junk ratings of the messages by way of one or more display rules, the one or more display rules allowing for certain messages, based on the junk ratings, to be hidden thus facilitating viewing of only desired messages**

However, Harris discloses this. Paragraphs [0015]-[0016] and Figure 1 of Harris disclose this browser also includes and displays a measure of likelihood of spam quotient or "LOSQ". The likelihood of spam quotient is displayed in the rightmost column as a percentage. The likelihood of spam quotient can be displayed as a number as shown in FIG. 1, or alternately can be displayed by the color of the message being displayed. For example, the message can be displayed in green to indicate low likelihood of spam (e.g. less than 10%) and yellow to indicate medium likelihood of spam (e.g. between 10 and 80 percent, and in red to indicate high likelihood of spam; for example likelihood of 80 to 100 percent to be spam, for example. Paragraphs [0021]-[0023] disclose a number of different ways of displaying different email. The first option, labeled "show all messages", on button 104, has the function, as it suggests, of showing all messages. A second display option displays only those messages which are likely to represent desired messages. Hence, only the green and yellow messages are displayed.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the spam system as disclosed by Rajan, with exposing the junk rating to the user as disclosed by Harris. One of ordinary skill in the art would have been motivated to combine to apply a known technique to improve similar devices in the same way. Both Rajan and Harris pertain to spam systems that grade the likelihood of a message being spam and as such it would be obvious to utilized techniques of one in the other.

Rajan does not explicitly disclose **and wherein the user-based action comprises replying to the message**

However, Arthur discloses this. Column 8 lines 3-22 of Arthur disclose taking advantage of the fact that mail that a user replies to is likely to not be junk. Arthur further discloses that a message being replied to is marked as not junk.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the spam system as disclosed by Rajan, with using replies as a variable of testing spam as disclosed by Arthur. One of ordinary skill in the art would have been motivated to combine to use a known technique to improve similar devices in the same way.

Rajan does not explicitly disclose **a verification component that requests confirmation regarding the user-based actions on rated messages**

However, Adkins discloses this. Paragraph [0176] of Adkins discloses a user attempting to inspect the content of a message that is very likely spam is warned that the message is unacceptable and strongly advised not to open it.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the spam system as disclosed by Rajan, with warning a user of their action as disclosed

by Adkins. One of ordinary skill in the art would have been motivated to combine to use a known technique to improve similar devices in the same way.

16. **As to Claim 2**, Rajan-Murray-Harris-Arthur-Adkins discloses the invention as claimed as described in claim 1, **further comprising a view management component that provides one or more ways the user can modify treatment of the junk messages** (Paragraph [0031] of Rajan discloses the user being able to specify the number of spam directories desired. Additional user-settable configurations may include the ability to name and color-code the spam directories, as well as the ability to assign their respective ranges).

17. **As to Claim 3**, Rajan-Murray-Harris-Arthur-Adkins discloses the invention as claimed as described in claim 2, **the view management component comprises any one of the following ways to mitigate against inadvertently opening a junk message comprising:**
sorting and/or grouping messages based at least in part on at least one of their respective junk scores and their respective junk ratings (Paragraph [0017] of Rajan discloses grading emails and then moving them into their appropriately labeled directories);
filtering out messages with at least one of a junk score or a junk rating that does not satisfy at least a first criterion (Paragraph [0017] of Rajan discloses grading emails and then moving them into their appropriately labeled directories);
setting one or more actions to take against the messages when at least one of the respective junk scores or junk ratings that do not satisfy at least a second criterion (Paragraph [0017]

of Rajan discloses grading emails and then moving them into their appropriately labeled directories); **and**

visually altering displays of messages according to at least one of their respective junk scores or junk ratings (Paragraph [0032] of Rajan discloses emails placed in more than one directory would include a visual indication to the user that the email is contained in more than one directory).

18. **As to Claim 4**, Rajan-Murray-Harris-Arthur-Adkins discloses the invention as claimed as described in claim 3, **the first criterion is configurably different from the second criterion** (Paragraph [0031] of Rajan discloses being able to assign ranges associated with the directories).

19. **As to Claim 5**, Rajan-Murray-Harris-Arthur-Adkins discloses the invention as claimed as described in claim 3, **at least one of the first and second criteria is determined according to user preferences** (Paragraph [0031] of Rajan discloses a user being able to assign ranges associated with the directories).

20. **As to Claim 6**, Rajan-Murray-Harris-Arthur-Adkins discloses the invention as claimed as described in claim 3, **visually altering the displays comprises color-coding, changing fonts, font sizes, backgrounds, adding or altering images, and/or adding or altering sounds associated with the respective messages based at least in part on their respective junk scores** (Paragraph [0032] of Rajan discloses emails placed in more than one directory would include a visual indication to the user that the email is contained in more than one directory).

Although how the visual indication is achieved is not explicitly disclosed it is seen that all variants disclosed exist essentially to make messages stick out to the user. As such Rajan, having disclosed including a visual indication to the user, discloses the limitations above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use any of the above variants to draw the attention of the user to the affected messages. Furthermore, Paragraph [0016] of Harris discloses the likelihood of spam quotient can be displayed as a number as shown in FIG. 1, or alternately can be displayed by the color of the message being displayed. For example, the message can be displayed in green to indicate low likelihood of spam (e.g. less than 10%) and yellow to indicate medium likelihood of spam (e.g. between 10 and 80 percent, and in red to indicate high likelihood of spam; for example likelihood of 80 to 100 percent to be spam, for example.

Examiner recites the same rationale to combine used for claim 1.

21. **As to Claim 7**, Rajan-Murray-Harris-Arthur-Adkins discloses the invention as claimed as described in claim 1, **further comprising an analysis component that examines junk scores of the incoming messages and orders them based at least in part on a spam confidence level associated with the respective messages** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory).

22. **As to Claim 8**, Rajan-Murray-Harris-Arthur-Adkins discloses the invention as claimed as described in claim 1, **the display component is a user-interface that exposes a message's junk**

score to a user so that the user can organize its messages based in part on the respective junk scores (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. The message having been moved to specific directories is seen to have been exposing the message's junk score. The directories themselves are seen to represent the messages having been organized based on their scores).

23. **As to Claim 9**, Rajan-Murray-Harris-Arthur-Adkins discloses the invention as claimed as described in claim 1, **the filtering component further determines whether a source of the message appears to be trusted based on at least one of the following: user's blocked senders list, safe-list, address book, and safe-mailing list** (Paragraph [0034] of Rajan discloses the system can base its decision on which directory receives an e-mail on criteria other than spaminess. For example, the system can mine a personal profile of the user to determine which is the appropriate directory for an e-mail).

24. **As to Claim 11**, Rajan-Murray-Harris-Arthur-Adkins discloses the invention as claimed as described in claim 1, **the verification component fails user requests to perform an action with respect to a junk message until the user requests are verified by the users** (Paragraph [0176] of Adkins discloses a user attempting to inspect the content of a message that is very likely spam is warned that the message is unacceptable and strongly advised not to open it. Accordingly it is seen that the action would not be performed unless the user decides to continue despite the warning)

25. **As to Claim 12**, Rajan-Murray-Harris-Arthur-Adkins discloses the invention as claimed as described in claim 1, **wherein the messages are bucketized based on the determined junk score so that the effects of features are seen only in aggregate, thereby mitigating reverse engineering of the junk score** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. This is seen as bucketizing the scores).

26. Claims 15, 17, 18, 21-26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajan and further in view of Murray and further in view of Harris and further in view of Adkins.

27. **As to Claim 15**, Rajan discloses **a method that facilitates identification of junk messages in a user's inbox comprising:**
employing a processor to execute the identification of junk messages (Paragraph [0031] of Rajan discloses the grading of the e-mail for spaminess may be processed by either the server or the client processors), **comprising:**
receiving a plurality of incoming messages (Paragraph [0014] of Rajan discloses an Inbox in which all incoming mail is normally received);
[determining whether a sender is known or trusted]
assigning a junk rating to the messages (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately

labeled directory. Where being in a particular directory is seen as having been assigned a rating);

exposing at least the junk rating on a user interface (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. Where being in particular directory is seen as having exposed the junk rating); **and**

calculating a junk score for substantially all incoming messages (Paragraph [0015] of Rajan discloses each piece of incoming mail is graded), **the junk score is computed to reflect a spam confidence level of the message** (Paragraph [0015] of Rajan discloses grading is done to determine the level of spaminess of the e-mail), **wherein the junk score is a value or fractional value between 0 and 1** (Paragraph [0016] of Rajan discloses the scale being from 0 to 100.

Where the it is seen that it is arbitrary whether the scale is form 0 -1 or from 0-100 since both represent the same information), **and the spam confidence level corresponds to a probability that the message is spam or junk** (Paragraph [0016] of Rajan disclose mail that is graded with a high level of spaminess is representative of likely constituting spam and that mail that is graded with a medium level of spaminess is representative of probably constituting spam. Thus it is seen that the measure of spaminess corresponds to the probability that a message is spam);

bucketizing the message based on the calculated score (Paragraph [0017] of Rajan discloses after grading the e-mail messages they are then moved into the appropriately labeled directory (bucketizing based on score) ;

tagging the message with a junk rating [which is added as an actionable property on the message such that the junk rating is displayed on a user interface in association with each

respective message as a separate column so that a display of the messages can be visually altered based on the junk ratings of the messages by way of one or more display rules, the one or more display rules allowing for certain messages, based on the junk ratings, to be hidden thus facilitating viewing of only desired messages, (Paragraph [0017] of Rajan

discloses after grading the e-mail messages they are then moved into the appropriately labeled directory (bucketizing based on score). It is seen that the score was used as an actionable property to sort the incoming messages to the appropriate folders. Furthermore paragraph [0032] discloses that emails that contain characteristics that would place it in two categories would include a visual indication to the user that the email is contained in more than one directory.

Thus it is seen that the property of its rating is added to the email); and

determining whether at least one of the junk score or the junk rating exceed a first threshold (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. Where being assigned to any of the variety of other directories is seen to indicate that the junk rating exceeded a given threshold);

removing message that exceed the first threshold to mitigate inadvertent access of them by the user, wherein the message that exceed the first threshold are removed before they are viewable on the user interface (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. Paragraph [0031] of Rajan discloses the incoming Mail once graded may bypass the Inbox altogether and be immediately moved or copied into the respective spam directory according to its grade)

overriding the junk score via a user-based action that affects the junk score of the message and future messages (Paragraphs [0018], [0032] and [0033] of Rajan disclose other algorithms maybe be employed to allow the recipient to vote on the grey mail (user-based action) and train the system to better determine spaminess according to the recipient's personal preferences (the affects the junk score of the message and future messages). Then if a user votes an email as spam (user-based action that overrides the junk score of the message) all email resembling the email that was the subject of the vote is moved from the gray directory to the black), **wherein a confirmation is presented regarding the user-based action on the message. the user-based action including one or more of modifying or replying to the message.**

Rajan does not explicitly disclose **determining whether a sender is known or trusted.**

However, Murray discloses this (Figure 2 of Murray discloses checking if the sender of an email is on a whitelist or a blacklist before categorizing the email message. Thus it determines whether or not a sender is known or trusted before scanning the message with the filter to categorize the email)

Examiner recites the same rationale to combine used in claim 1.

Rajan discloses **which is added as an actionable property on the message such that the junk rating is displayed on a user interface in association with each respective message as a separate column so that a display of the messages can be visually altered based on the junk ratings of the messages by way of one or more display rules, the one or more display rules allowing for certain messages, based on the junk ratings, to be hidden thus facilitating viewing of only desired messages**

However, Harris discloses this. Paragraphs [0015]-[0016] and Figure 1 of Harris disclose this browser also includes and displays a measure of likelihood of spam quotient or "LOSQ". The likelihood of spam quotient is displayed in the rightmost column as a percentage. The likelihood of spam quotient can be displayed as a number as shown in FIG. 1, or alternately can be displayed by the color of the message being displayed. For example, the message can be displayed in green to indicate low likelihood of spam (e.g. less than 10%) and yellow to indicate medium likelihood of spam (e.g. between 10 and 80 percent, and in red to indicate high likelihood of spam; for example likelihood of 80 to 100 percent to be spam, for example. Paragraphs [0021]-[0023] disclose a number of different ways of displaying different email. The first option, labeled "show all messages", on button 104, has the function, as it suggests, of showing all messages. A second display option displays only those messages which are likely to represent desired messages. Hence, only the green and yellow messages are displayed.

Examiner recites the same rationale to combine used in claim 1.

Rajan does not explicitly disclose **wherein a confirmation is presented regarding the user-based action on the message. the user-based action including one or more of modifying or replying to the message**

However, Adkins discloses this. Paragraph [0176] of Adkins discloses a user attempting to inspect the content of a message that is very likely spam is warned that the message is unacceptable and strongly advised not to open it.

Examiner recites the same rationale to combine used in claim 1.

28. **As to Claim 17**, Rajan-Murray-Harris-Adkins discloses the invention as claimed as described in claim 15, **wherein the messages are bucketized based on the calculated junk score so that the effects of features are seen only in aggregate, thereby mitigating reverse engineering of the junk score** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. This is seen as bucketizing the scores).

29. **As to Claim 18**, Rajan-Murray-Harris-Adkins discloses the invention as claimed as described in claim 15, **further comprising organizing junk messages based at least in part upon their junk rating** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory).

30. **As to Claim 21**, Rajan-Murray-Harris-Adkins discloses the invention as claimed as described in claim 15, **the junk rating is based at least in part on one of the following: junk score, one or more safe lists, one or more safe sender lists, user-based actions, and/or user-generated address book** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. Then paragraph [0033] of Rajan discloses being able to adjust placement of e-mails based on user voting. Then paragraph [0034] of Rajan discloses the system can mine a personal profile of the user to determine which is the appropriate directory for an e-mail).

31. **As to Claim 22**, Rajan-Murray-Harris-Adkins discloses the invention as claimed as described in claim 21, **user-based actions comprises at least one of the following: unjunking a message by moving it from a junk state to a non-junk state resulting in an "unjunked" junk rating** (Paragraph [0018] of Rajan discloses a user being able to vote on mail); **junking a message by moving it from a non-junk state to a junk state resulting in a "junked" junk rating** (Paragraph [0033] of Rajan discloses a user being able to vote an e-mail as spam); **and adding a sender to one or more safe lists to change the junk rating of the message to safe** (Paragraph [0034] of Rajan discloses the system being able to mine a personal profile of the user to determine which is the appropriate directory for an e-mail. An example given is all e-mail from the user's spouse would be place in an appropriate folder. Thus it is seen that a sender was added to a safe list).

32. **As to Claim 23**, Rajan-Murray-Harris-Adkins discloses the invention as claimed as described in claim 22, **the user-based actions affect the junk rating of the message and/or future messages received from a particular sender** (Paragraph [0018] of Rajan discloses algorithms may be employed to allow the recipient to vote on the mail to train the system to better determine spaminess according to the recipient's personal preferences).

33. **As to Claim 24**, Rajan-Murray-Harris-Adkins discloses the invention as claimed as described in claim 15, **assigning a junk rating to messages commensurate with at least their**

respective junk scores (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory).

34. **As to Claim 25**, Rajan-Murray-Harris-Adkins discloses the invention as claimed as described in claim 15, **bucketizing the message based on the calculated junk score comprises:**

providing a plurality of buckets comprising at least the following categorized buckets: an unscanned bucket, a light bucket, a medium bucket, and a high bucket, the plurality of buckets respectively assigned to a range of junk score values (Paragraph [0019] of Rajan discloses being able to assign a variety of directories based on different ranges. The example given suggests five directories - Green, Blue, Yellow, Orange and Red with respective ranges of 0-20, 21-40, 41-60, 61-80 and 81-100. As to having an unscanned bucket it is seen that all incoming mail is inherently part of the unscanned bucket until otherwise sorted); **dropping messages into respective buckets based at least in part on their calculated junk score such that the respective bucket determines the junk rating for the respective messages** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory).

35. **As to Claim 26**, Rajan-Murray-Harris-Adkins discloses the invention as claimed as described in claim 15, **further comprising exposing respective junk scores for the messages** (Paragraph [0017] of Rajan discloses grading the e-mail according to the level of spaminess and then moving the e-mail into the appropriately labeled directory. Since the ranges of the

directories are known it is seen that knowing which directory the e-mail is in exposes the junk score of the message).

36. **As to Claim 29**, Rajan-Murray-Harris-Adkins discloses a **computer storage media having stored thereon the system of claim 1** (Claim 11 of Rajan discloses a computer readable medium comprising instructions for the system disclosed by Rajan).

Conclusion

37. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KEVIN S. MAI** whose telephone number is (571)270-5001. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. S. M./
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